

**A G E N D A**

**MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY**

**Regular Meeting**

**MULTI-PURPOSE ROOM #2, SECOND FLOOR**

**Montgomery County Government Center**

**Monday, April 01, 2013**

**7:00 P.M.**

**I. CALL TO ORDER**

**II. DETERMINATION OF QUORUM**

**III. PUBLIC ADDRESS SESSION**

**IV. CONSENT AGENDA**

**V. NEW BUSINESS**

- A. RESOLUTION APPROVING POST ISSUANCE TAX  
COMPLIANCE PROCEDURES FOR TAX-EXEMPT BONDS

**VI. FINANCIAL REPORT**

**VII. DIRECTOR'S REPORT**

**VIII. AUTHORITY MEMBERS' REPORT**

**IX. INTO CLOSED MEETING**

Section 2.2-3711

- (7) Consultation with Legal Counsel  
And Briefings by Staff Members or  
Consultants Pertaining to Actual or  
Probable Litigation, Where such Consultation  
Or Briefing in Open Meeting Would Adversely  
Affect the Negotiating or Litigating Posture  
Of The Public Body; and Consultation with  
Legal Counsel Employed or Retained by  
A Public Body Regarding Specific Legal  
Matters Requiring the Provision of Legal  
Advice by Such Counsel

- (1) Utilities on Oilwell Road

**X. OUT OF CLOSED MEETING**

**XI. CERTIFICATION OF CLOSED MEETING**

**XII. ADJOURNMENT**

**TO:** PSA Board of Directors  
**FROM:** Robert C. (Bob) Fronk, PSA Director  
**DATE:** April 01, 2013  
**SUBJECT:** **AGENDA REPORT - PSA REGULAR MEETING – April 01, 2013**

**I. CALL TO ORDER**

The Chair will call this meeting to order.

**II. DETERMINATION OF QUORUM**

The Chair will determine if a quorum is present.

**III. PUBLIC ADDRESS SESSION**

The Chair will ask if there are any comments from the public. Each person will be allowed five minutes to address the Board.

**IV. CONSENT AGENDA**

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority hereby approves the Consent Agenda, dated April 01, 2013.

**V. NEW BUSINESS**

A. RESOLUTION APPROVING POST ISSUANCE TAX COMPLIANCE PROCEDURES FOR TAX-EXEMPT BONDS. See Item 3.

**R13-04-02  
RESOLUTION APPROVING POST ISSUANCE  
TAX COMPLIANCE PROCEDURES FOR  
TAX-EXEMPT BONDS**

WHEREAS, the IRS has issued an advisement to issuers of tax exempt bonds recommending the adoption of post issuance tax compliance procedures for tax exempt bonds; and

WHEREAS, the Authority's Bond Council has drafted for the Montgomery County Public Service Authority Board of Directors to consider a Post Issuance Tax Compliance Procedure for Tax Exempt Bonds that is consistent with what is recommended by the IRS; and

WHEREAS, it is the recommendation of the Authority's Bond Council that the Montgomery County Public Service Authority Board of Directors adopt the Post Issuance Tax Compliance Procedures for Tax Exempt Bonds.

NOW, THEREFORE BE IT RESOLVED By the Montgomery County Public Service Authority Board of Directors hereby approve the Post Issuance Tax Compliance Procedures for Tax Exempt Bonds prepared by the Authority's Bond Council.

ISSUE/PURPOSE: Acceptance of Tax Exempt Bond Procedures

JUSTIFICATION: Approve the Post Issuance Tax Compliance Procedures for Tax Exempt Bonds

#### **VI. FINANCIAL REPORT**

The financial report for period ending March 31, 2013 will be presented at the meeting.

#### **VII. DIRECTOR'S REPORT**

The Director's report will be presented at this time. See Item 4.

#### **VIII. AUTHORITY MEMBERS' REPORT**

1. Member Gabriele
2. Member Politis
3. Member Perkins
4. Member Brown
5. Member Tuck
6. Member Biggs
7. Member Creed

**IX. INTO CLOSED MEETING**

**PROPOSED RESOLUTION:**

BE IT RESOLVED, that the Public Service Authority hereby enters into Closed Meeting for the discussion of the following:

- |                  |     |  |
|------------------|-----|--|
| Section 2.2-3711 | (7) | Consultation with Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where such Consultation or Briefing in Open Meeting Would Adversely Affect The Negotiating or Litigating Posture of The Public Body; and Consultation with Legal Counsel Employed or Retained by A Public Body Regarding Specific Legal Matters Requiring the Provision of Legal Advice by Such Counsel |
|                  | (1) | Utilities on Oilwell Road  |

**X. OUT OF CLOSED MEETING**

**PROPOSED RESOLUTION:**

BE IT RESOLVED, that the Public Service Authority ends their Closed Meeting to return to Regular Session.

**XI. CERTIFICATION OF CLOSED MEETING**

**PROPOSED RESOLUTION:**

WHEREAS, the Public Service Authority of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Public Service Authority does hereby agree, that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements Virginia law were discussed in the meeting to which this certification resolution applies, and (ii) only public business matters as were identified in the motion conveying the Closed Meeting were heard, discussed or considered by the Authority.

**XII. ADJOURNMENT**

**PROPOSED RESOLUTION:**

BE IT RESOLVED, that the Public Service Authority does hereby adjourn to the next meeting scheduled for May 06, 2013.

**CONSENT AGENDA  
APRIL 01, 2013**

**A. APPROVAL OF MINUTES**

**1. SUBJECT: APPROVAL OF MINUTES DATED  
MARCH 04, 2012**

ISSUE/PURPOSE: The above listed minutes are before the  
Board for approval. See Item 1.

**B. 1. SUBJECT: APPROVAL OF CHATTEL DEED FOR  
NEW AUBURN HIGH SCHOOL UTILITIES  
PHASE I See Item 2.**

**R13-04-01  
APPROVAL OF CHATTEL DEED  
FOR NEW AUBURN HIGH SCHOOL  
UTILITIES PHASE I**

BE IT RESOLVED, by the Board of Directors of the Montgomery County Public Service Authority, that the Board of Directors hereby agree to accept the Chattel Deed for the new Auburn High School Phase I water and sewer facilities, and, that said Chattel Deed provides fee simple transfer of all water and/or sewer lines, valves, fittings, laterals, connections, storage facilities, sources of water supply, pumps, manholes and any and all equipment and appurtenances to the Montgomery County Public Service Authority. The Chattel Deed is hereby attached and made part of this Resolution by reference.

BE IT FURTHER RESOLVED, that the Chair of Montgomery County Public Service Authority is hereby authorized to sign the above referenced Chattel Deed for the purpose of acknowledging acceptance of the Deed on behalf of the Directors of the Montgomery County Public Service Authority.

ISSUE/PURPOSE: Acceptance of Chattel Deed for operation and maintenance of the  
water/sewer facilities for the new Auburn High School Phase I

JUSTIFICATION: Chattel Deed transfers ownership of the water/sewer assets  
to the Montgomery County Public Service Authority for  
operation and maintenance.